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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
06/7551-278	10/16/97	MCCARTHY	402-038-19

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EXAMINER
HARMUND, E

ART UNIT	PAPER NUMBER
2833	

DATE MAILED: 06/10/99

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.
08/951,276

Applicant(s)
David McCarthy

Examiner
Brigitte R. Hammond

Group Art Unit
2833



☒ Responsive to communication(s) filed on Mar 12, 1999

☒ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) 1-20 is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 1-20 is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been
☐ received.

☐ received in Application No. (Series Code/Serial Number) _____

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☒ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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DETAILED ACTION II

1. This action is in response to applicant's amendment received on March 12, 1999 and filed as Paper No.5. The examiner also acknowledges that the preliminary amendment has been received, entered and considered in the last office action.

Drawings

2. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the "housing" and the "means for coupling said housing", the "open top" of the housing ; means for biasing the receptacle unit, locking means, "means for partially covering gap", the "brush", the "screen", and the covering means mounted to the top of the receptacle unit and being carried by the receptacle unit as it is being displaced, *these features must be shown or the feature(s) cancelled from the claim(s)*.

No new matter should be entered.

3. The drawings are also objected to under 37 CFR 1.83(b) because they are incomplete. 37

CFR 1.83(b) reads as follows:

When the invention consists of an improvement on an old machine the drawing must when possible exhibit, in one or more views, the improved portion itself, disconnected from the old structure, and also in another view, so much only of the old structure as will suffice to show the connection of the invention therewith.

Correction is required.

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Claim Rejections - 35 USC § 112

4. Claims 1-19 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

5. Regarding claims 1-19, the word "substantially" renders the claim(s) indefinite because the claim(s) include(s) elements not actually disclosed (those encompassed by "substantially"), thereby rendering the scope of the claim(s) unascertainable. See MPEP § 2173.05(d).

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 1,2,6 and 16 are rejected under 35 U.S.C. 102(b) as being anticipated by Byrne 4,747,788. Byrne discloses a substantially planar retractable receptacle 150 with sidewalls (front side of box 152) adapted to be mounted in an opening in a top surface of an article of furniture 104, a gap 168, biasing means 180, and locking means 182.

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8. Claims 19 and 20 are rejected under 35 U.S.C. 102(b) as being anticipated by Mitchell et al. Mitchell et al. disclose an article of furniture 10 with a top surface 12, a receptacle unit 30, with a top 50 and a receptacle 48, and a housing 50 mounted on the underside of furniture 10.

Claim Rejections - 35 USC § 103

9. Claims 3-5,7,8,10-13,15,17 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Byrne 4,747,788. Byrne discloses a gap space 166, to permit transmission lines to extend through and means 168 for covering the gap space. Byrne does not show each sidewall having a receptacle. However, on page 9 lines 54-57 Byrne discloses that the receptacle box 152 (which includes the walls) could be double sided to accommodate multiple receptacles. It would have been obvious to modify the receptacle of Byrne to include receptacles on multiple sidewalls to supply multiple outlet capacity. Also, since applicant has not disclosed that having a different sidewall of the receptacle unit facing a different side of the article of furniture as a critical feature, the variations are considered to be obvious.

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. J.L. Myers 3,433,886

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Conclusion

Response to Arguments

11. In response to applicant's argument that Byrne does not disclose a substantially planar retractable receptacle 150, the word "substantially" renders the claim(s) indefinite.

12. Applicant's arguments filed March 12, 1999 have been fully considered but they are not persuasive. In response to applicant's argument that Byrne does not disclose a substantially planar retractable receptacle 150, the word "substantially" renders the claim(s) indefinite.

13. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brigitte R. Hammond whose telephone number is (703) 305-0032.

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The examiner can normally be reached on Monday - Thursday from 7:30 A.M. to 5:00 P.M..

The examiner can also be reached on alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paula A. Bradley, can be reached on (703) 308-2319. Papers may be faxed directly to Group 2833 at (703) 305-3432.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-1782.

Brigitte R. Hammond

June 6, 1999

A handwritten signature in black ink, appearing to read "M. L. Gellner".

Michael L. Gellner
Supervisory Patent Examiner
Technology Center 2800